## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:

KOJIMA et al.

Filed:

December 12, 2003

Docket No.:

10873.659USD1

Title:

INFORMATION RECORDING MEDIUM AND METHOD OF

MANUFACTURING THE SAME

**CERTIFICATE UNDER 37 CFR 1.10**:

"Express Mail" mailing label number: EV 321729597 US

Date of Deposit: December 12, 2003

I hereby certify that this paper or fee is being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Commissioner for Patents, Mail Stop DIVISIONAL PATENT APPLICATION, P.O. Box 1450, Alexandria, VA 22313-1450.

Name: Teresa Anderson

## INFORMATION DISCLOSURE STATEMENT (37 C.F.R. § 1.97(b))

Mail Stop DIVISIONAL PATENT APPLICATION

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Dear Sir:

With regard to the above-identified application, the items of information listed on the enclosed Form 1449 are brought to the attention of the Examiner.

This statement should be considered because it is submitted within three months of the filing date of the above-identified application, which is not an application under 37 C.F.R. § 1.53(d). Accordingly, no fee is due for consideration of the items listed on the enclosed Form 1449.

In accordance with 37 C.F.R. §1.98(d), a copy of each document or other information listed on the enclosed Form 1449 is not provided because it was previously cited by or submitted to the U.S. Patent and Trademark Office in parent application, U.S. Serial No. 09/801,977 filed on March 8, 2001.

No representation is made that a reference is "prior art" within the meaning of 35 U.S.C. §§ 102 and 103 and Applicants reserve the right, pursuant to 37 C.F.R. § 1.131 or otherwise, to establish that the reference(s) are not "prior art." Moreover, Applicants do not represent that a

reference has been thoroughly reviewed or that any relevance of any portion of a reference is intended.

Consideration of the items listed is respectfully requested. Pursuant to the provisions of M.P.E.P. 609, it is requested that the Examiner return a copy of the attached Form 1449, marked as being considered and initialed by the Examiner, to the undersigned with the next official communication.

Please charge any additional fees or credit any overpayment to Deposit Account No. 13-2725.

Respectfully submitted,

MERCHANT & GOULD P.C.

P.O. Box 2903

Minneapolis, MN 55402-0903 (612) 33243300

Dated: December 12, 2003

By:

Douglas P. Mueller

Reg. No. 30,300

DPM/jh

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PATENT TRADEMARK OFFICE

Date Mailed: December 12, 2003 Sheet 1 of 1

| FORM 1449*        | MATION DISCLOSURE STATEMENT       | Docket Number:<br>10873.659USD1 | Application Number:<br>Unknown |  |
|-------------------|-----------------------------------|---------------------------------|--------------------------------|--|
| IN AN APPLICATION |                                   | Applicant: KOJIMA et al.        |                                |  |
|                   | (Use several sheets if necessary) | Filing Date: December 12, 2003  | Group Art Unit: Unknown        |  |

|                     |              |  |          | U.S. PATENT DOCUME          | NTS               |             |             |                 |
|---------------------|--------------|--|----------|-----------------------------|-------------------|-------------|-------------|-----------------|
| EXAMINER<br>INITIAL | DOCU         | MENT NO.   | DATE     | NAME                        | CLASS             | SUBCLASS    |             | DATE<br>OPRIATE |
|                     | 6,132,932    | 2  | 10.2000  | MIYAMOTO et al.             |                   |             |             |                 |
|                     | 6,406,77     | <u> </u>   | 06.2002  | Nakakuki et al.             |                   |             |             |                 |
| ***                 | 6,153,35     | 5  | 11.2000  | Takahashi et al.            |                   |             |             |                 |
|                     | 6,477,135    | 5  | 11.2002  | Uno et al.                  |                   |             |             |                 |
|                     |              |  |          |                             |                   |             |             | ····            |
|                     |              |  |          |                             |                   |             |             |                 |
|                     |              | ····   |          |                             |                   |             |             |                 |
|                     |              |  |          |                             |                   |             |             |                 |
|                     |              |  | FOI      | REIGN PATENT DOCUM          | <br> <br> ENTS    | <u></u>     |             |                 |
|                     | DOCUMENT NO. |  | DATE     | COUNTRY                     | CLASS             | SUBCLASS    | TRANSLATION |                 |
|                     |              |  |          |                             |                   |             | YES         | NO              |
|                     | 2-147289     |  | 06.1990  | Japan                       |                   |             | Abstract    |                 |
|                     |              |  |          |                             |                   |             |             |                 |
|                     |              |  |          |                             |                   |             |             |                 |
|                     |              | OTHER  | DOCUMENT | S (Including Author, Title, | Date, Pertinent P | ages, Etc.) |             |                 |
|                     | 1971         | Hiroshi Kutoba "Wave optics" Chapter 3, pp. 199-236  |          |                             |                   |             |             |                 |
|                     | 1998         | Osato et al. " A rewritable optical disk system with over 10 GB of capacity" SPIE Vol. 3401, pp. 80-86 |          |                             |                   |             |             |                 |
|                     |              |  |          |                             |                   |             |             |                 |

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| EXAMINER | DATE CONSIDERED  |  |
|----------|--|--|
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form for next communication to the Applicant.